United Nations CED/C/4

International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Guidance for the submission of a request for urgent action to the Committee*

General information

1.1 The Committee on Enforced Disappearances is the body of independent experts which monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance by the States that have ratified the Convention.

1.2 Under article 30 of the Convention, the Committee has competence to receive and consider requests for urgent action submitted by the relatives of a disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest, that seek to ensure that the State party take, as a matter of urgency, all necessary measures to seek and find a disappeared person.

1.3 Requests for urgent action may only be received if the enforced disappearance has occurred in a country that is a State party to the Convention.[1]

Requirements for a request for urgent action to be considered, in principle, by the Committee

2.1 The request must be submitted in writing.

2.2 The request may be submitted to any State party to the Convention; it is not necessary for the State to have made a specific declaration in that regard.

2.3 The request must not be anonymous. The identity of the victim must be provided in order for a request for urgent action to be submitted to a State party. The identities and contact details of the persons submitting the request are required so that the Committee may contact them. However, the person or persons submitting the request may ask, subject to the discretion of the Committee, for their identities to remain confidential. In such cases, they should explain their reasons for doing so.

* Adopted by the Committee at its sixth session (17–28 March 2014).

[1] A list of the States parties to the Convention is available on the following websites:

(a) https://treaties.un.org/Pages/CNs.aspx (Under the heading "Treaty Reference", select "IV-16");

(b) http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CED&Lang=en.

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2.4 The request must be submitted by the close family or relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest.

2.5 An urgent action must not have been filed under another international procedure with a view to seeking and finding the same disappeared person or persons.

2.6 The facts of the case must have been duly presented to the competent bodies of the State party concerned, such as those authorized to undertake investigations, where such a possibility exists. If possible, copies of the supporting documentation should be attached. If this is not possible, then a detailed account of the steps taken will be sufficient. However, the Committee may request a copy of the relevant documentation at a subsequent stage of the process.

2.7 The events in question must have occurred after the entry into force of the Convention for the State concerned.

2.8 The Committee should be provided with any information which the person submitting the request might consider relevant for the proper handling of the case, including subsequent to the initial request for urgent action. Copies of all available supporting documentation should be attached.

Interim and protection measures

3.1 Interim measures are requested in very serious and urgent cases. In such cases, the State is asked to adopt measures to avoid irreparable damage to the persons concerned or to other elements relevant to locating the disappeared persor. The person submitting the request for urgent action may ask the Committee for interim measures:

- In the initial request;
- At any time after submission of the request to the Committee.

3.2 The person submitting the request may also ask that measures be taken to protect the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation. The person submitting the request for urgent action may ask the Committee for protection measures:

- In the initial request;
- At any time after submission of the request to the Committee.

Recommendations for persons submitting requests for urgent action

4.1 Use the model form provided below. Provide the information requested on the form as fully as possible.

4.2 Provide a clear, detailed description of the facts of the case in chronological order.

4.3 Provide the full names of the institutions referred to (security forces, government agencies or other bodies). Do not use abbreviations.

4.4 Complete the form using a computer (or typewriter). If this is not possible, complete it by hand in block capitals.

4.5 Requests may be submitted in any of the six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish). Annexes will be considered only if they are submitted in one of these languages (an unofficial translation will suffice).

4.6 Further information on the Convention and the Committee's rules of procedure is available on the website of the Office of the United Nations High Commissioner for Human Rights.[2]

Where to send requests for urgent action

5.1 **By post:**

Petitions and Inquiries Section/Committee on Enforced Disappearances
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10
Switzerland

5.2 **By fax:** +41 22 917 90 22

5.3 **By e-mail:** petitions@ohchr.org

[2] See www.ohchr.org/EN/HRBodies/ced/Pages/CEDIndex.aspx.

Committee on Enforced Disappearances

Form for the submission of a request for urgent action

The following form provides guidance for people wishing to submit a request for urgent action to the Committee on Enforced Disappearances in accordance with article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance.

To the extent possible, please provide information on each of the items listed below. Your request for urgent action should not exceed 30 pages (excluding annexes). Please replace the dotted lines in each section with the corresponding text.

If necessary, the Committee will seek to contact the close family or relatives of the disappeared person. Their contact details are therefore required.

1. The State party concerned by the request for urgent action

2. Person submitting the request for urgent action

2.1 Family name(s): .....

2.2 First name(s): .....

2.3 Contact details: .....

- Address: .....
- Telephone: .....
- E-mail: .....

2.4 Relationship to the disappeared person: .....

2.5 Do you agree to your identity being disclosed in connection with the present request for urgent action?

Yes ☐ No ☐

3. Alleged victim or victims

To the extent possible, provide the following information for each of the alleged victims on whose behalf the request for urgent action is being submitted:

3.1 Family name(s): .....

3.2 First name(s): .....

3.3 If necessary, pseudonyms (aliases, nicknames or other names by which the person is known): .....

3.4 Nationality or nationalities: .....

3.5 Sex/gender: M ☐ F ☐ Other: .....

3.6 Date of birth: .....

3.7 Was the victim under 18 years of age at the time of his or her disappearance?

Yes ☐ No ☐

3.8 Place and country of birth: .....

3.9 Name of parents (optional): .....

3.10 Victim's known contact details:

- Usual address:.....
- Telephone:.....
- E-mail:.....

3.11 Number of identity document (passport, national identity document, voter's card or other means of identification): .....

3.12 Marital status:

Single ☐ Married ☐ Consensual union ☐ Separated ☐ Widowed ☐

3.13 Name of spouse/partner (optional): .....

3.14 Does the victim have any children? Yes ☐ No ☐

If so, how many?.....

Children's ages: .....

3.15 Was the victim pregnant when she disappeared?

Yes ☐ No ☐

If so, approximately how many months pregnant was she at the time of her disappearance? .....

3.16 If believed to be relevant (optional), indicate whether the victim belongs to any groups (e.g. indigenous peoples, national minorities, political party or movement, trade union, religious group, human rights group, non-governmental organization, lesbian, gay, bisexual, transgender or intersex (LGBTI) community, etc.) .....

3.17 If believed to be relevant (optional), indicate whether the victim has a disability:

Yes ☐ No ☐ If so, please specify.

3.18 Profession: .....

3.19 Occupation or trade at the time of disappearance: .....

3.20 Previous employment and other relevant activities (optional): .....
.....
.....

4. Description of the facts of the case

4.1 Date of disappearance: .....

4.2 Place where the disappearance occurred. Please be as specific as possible, indicating the street, city, province or any other relevant information: .....
.....
.....
.....

4.3 Provide information on the circumstances and manner of the disappearance. Include any information on the local or regional context, particular situations in which the victim was thought to be at risk, and whether other enforced disappearances, especially of relatives or persons close to the victim, have recently occurred in the country and whether anything

unusual was noticed about the victim's routine: .....
.....
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.....
.....
.....

4.4 Date and place of last sighting of the victim, if different from date of disappearance (e.g., if, following his or her disappearance, the person was later seen in a place of detention): .....

4.5 Alleged perpetrators of the disappearance:

(a) Indicate the State authorities or security forces to which the alleged perpetrator or perpetrators of the disappearance belong(s) and the reasons why you consider them responsible: .....
.....
.....
.....

(b) If identification of the alleged perpetrator or perpetrators of the disappearance as State agents is not possible, state why you consider that Government authorities or persons linked to them are responsible for the events in question (e.g., if you believe that they acted with the authorization, support, acquiescence or approval of the State): .....
.....
.....

4.6 Provide information you consider relevant to helping the competent authorities to identify the disappeared person: physical description, medical or dental records, description of the person's face, hair, eyes, nose, ears, beard, moustache, distinguishing features or marks, medical history, distinguishing dental features, dental work, or any information about the clothing that the victim was wearing at the time of his or her disappearance: .....
.....
.....

4.7 Provide any additional information relevant to the case: .....
.....
.....

5. Presentation of the facts of the case to the competent Government agencies

5.1 Describe all the steps taken to locate the disappeared person. Indicate the authorities or institutions that have been contacted:

Steps taken and by whom: .....
.....
.....

Date(s) on which these steps were taken: .....
.....
.....

Authorities or institutions contacted: .....
.....
.....

Measures adopted: .....

.....

.....

Results:.....

.....

.....

5.2 Attach copies of all relevant documentation (administrative or judicial decisions). **Do not send originals.**

5.3 If it has not been possible to take any official action to locate the disappeared person, please explain why: .....

.....

.....

6. Request for interim measures or protection measures

6.1 Would you like the Committee to request the State to take **interim measures** to avoid irreparable damage to the victim or victims of the alleged violations or to other elements that are relevant to locating the disappeared person?

Yes ☐ No ☐

6.2 If so, please provide the following information:

(a) Describe the risk faced by the victims or by other elements that are relevant to locating the disappeared person: .....

.....

.....

(b) Describe the nature of the possible irreparable damage: .....

.....

.....

(c) Indicate the measure or measures that could be taken by the State to avoid possible irreparable damage:.....

.....

.....

6.3 Would you like the Committee to request the State to take **measures to protect** the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation?

Yes ☐ No ☐

6.4 If so, please provide the following information:

(a) Person or persons for whom protection measures are being requested (name and connection with the case in question):.....

.....

.....

(b) Description of the personal risk faced by this person or these persons (e.g., pressure, acts of intimidation or reprisal):.....

.....

.....

(c) Protection measures that could be taken by the State to avoid these risks:

.....

.....

7. Other international procedures

7.1 Has the same matter been submitted under another procedure of international investigation or settlement?

Yes ☐ No ☐

7.2 If so, please indicate:

The body or bodies to which the case has been submitted:.....

.....

.....

The type of procedure involved: .....

.....

.....

Date of submission of the case:.....

.....

.....

Measures adopted: .....

.....

.....

Results:.....

.....

.....

7.3 Attach copies of all relevant documentation.

8. Place, date and signature

8.1 Place and date: .....

8.2 Signature of the person submitting the request:.....

9. List of documents attached (do not send originals)

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